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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

NATURAL RESOURCES DEFENSE COUNCIL,

*Plaintiff,*

v.

UNITED STATES FOOD AND DRUG  
ADMINISTRATION; KATHLEEN SEBELIUS, in her  
official capacity as Secretary, United States Department  
of Health and Human Services; and MARGARET  
HAMBURG, in her official capacity as Commissioner,  
United States Food and Drug Administration,

*Defendants.*

**ECF Case**

10 Civ. 5690 (AKH) (AJP)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law in support of defendants' motion for summary judgment, dated December 10, 2010; and the declaration of Charles J. Ganley, M.D., dated December 10, 2010, defendants will move this Court, before the Honorable Alvin K. Hellerstein, at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order granting defendants summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's October 15, 2010 Order, as amended, opposition papers, if any, are to be served on or before January 7, 2011.

Dated: New York, New York  
December 10, 2010

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